

AMENDED IN SENATE JUNE 29, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1300

Introduced by Assembly Member Fletcher

February 27, 2009

An act to add Chapter 3.1 (commencing with Section 4310) of Part 2 of Division 4 of the Public Resources Code, relating to fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 1300, as amended, Fletcher. Fire protection: fuels reduction grant program.

Existing law creates the Department of Forestry and Fire Protection within the Natural Resources Agency, and the department is responsible for fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies.

This bill would authorize the department to develop and implement a fuels reduction program that provides competitive grants or other financial incentives to communities located in the wildland-urban interface or very high fire hazard severity zones to conduct fuels reduction efforts that minimize the risk or decrease the intensity of a wildfire in or around a community. Cities, counties, districts, and nonprofit organizations would be authorized to receive the grants. The

bill would require the department to develop criteria for the review and approval of grant applications, that may include the establishment of ~~cost-sharing~~ *cost-sharing* requirements and appropriate oversight and reporting requirements.

This bill would require that an eligible community meet certain specified criteria ~~and put limitations on the size of trees that could be removed and prohibit those trees from being made into logs of lumber.~~ The bill would require the department to seek funding from specified sources, not including the General Fund, that the program funding used by the department for reasonable and necessary administrative expenses not exceed 5% of the funding source, *and* that the department report to the Legislature yearly; and post the report on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 3.1 (commencing with Section 4310) is
2 added to Part 2 of Division 4 of the Public Resources Code, to
3 read:

4

5 CHAPTER 3.1. FUELS REDUCTION GRANT PROGRAM

6

7 4310. (a) (1) The department may develop and implement a
8 fuels reduction program that provides competitive grants or other
9 financial incentives to communities located in the wildland-urban
10 interface or very high fire hazard severity zones, as defined in
11 Section 51177 of the Government Code, to conduct fuels reduction
12 efforts that minimize the risk or decrease the intensity of a wildfire
13 in or around a community.

14 (2) Wildfire risk may include those posed by insect pests or
15 plant diseases injurious to timber, or forest growth.

16 (3) The department may structure a grant or offer additional
17 incentives to offset the costs of transporting fuels to a biomass
18 energy facility.

19 (b) (1) Grants may be made to cities, counties, districts, and
20 nonprofit organizations. The department shall develop criteria for
21 the review and approval of grant applications that may include the
22 establishment of cost sharing requirements and appropriate
23 oversight and reporting requirements.

1 (2) The department may waive or reduce the cost sharing
2 requirements for projects that directly benefit or occur in a
3 disadvantaged community or if the funding source prohibits a cost
4 sharing requirement. The cost sharing requirement may be provided
5 in the form of cash, in-kind services or materials, or any
6 combination of those, as determined by the department.

7 (c) To the extent applicable, the department may use or rely on
8 guidelines, funding criteria, fuels reduction or treatment area
9 priorities, assets at-risk designations, or other elements of similar
10 fuels reduction or vegetation management programs pursuant to,
11 for example Article 2 (commencing with Section 4475) of Chapter
12 7 or Chapter 1.696 (commencing with Section 5096.600) of
13 Division 5, when developing a fuels reduction grant program.

14 (d) An eligible community shall meet all of the following criteria
15 and any other criteria the department deems appropriate.

16 (1) Be a wildland-urban interface community at high risk of
17 wildfire, as defined on page 752 et seq. of Number 3 of Volume
18 66 (January 4, 2001) of the Federal Register, as amended. Also,
19 for purposes of this paragraph, “wildland-urban interface
20 community at high risk of wildfire” means an area having one or
21 more structures for every five acres.

22 (2) Be designated as a “Firewise” community or have a
23 community wildfire protection plan approved by the department.

24 (3) Have a plan approved by the department or State Fire
25 Marshal to reach full compliance with defensible space
26 requirements pursuant to Section 4290.

27 (4) Partner with a community-based nonprofit organization that
28 has among its primary objectives wildfire prevention, planning,
29 or education.

30 ~~(e) A grant that funds the removal of trees less than 16 inches~~
31 ~~in diameter at breast height from a firebreak or fuel break shall~~
32 ~~meet the requirements specified in subdivision (b) of Section 4527.~~
33 ~~Trees that are removed shall not be processed into logs or lumber.~~

34 ~~(f)~~

35 (e) (1) The department shall seek funding for the fuels reduction
36 grant program from new state, federal, or private funds dedicated
37 to fire prevention efforts, to the extent the funds are available for
38 those efforts.

39 (2) The program shall not be funded through the General Fund.

40 ~~(g)~~

1 (f) Funds received for the program may be used to cover
2 reasonable and necessary administrative expenses of the department
3 but shall not exceed 5 percent of the funding source.

4 ~~(h)~~

5 (g) (1) If the department develops and implements a fuels
6 reduction grant program, it shall report to the Legislature no later
7 than 12 months after the program's initiation, and every 12 months
8 thereafter, including a summary of the amount of grants awarded,
9 grant recipients, funding sources, program accomplishments and
10 effectiveness, and any legislative or other recommendations.

11 (2) The department shall post this report and other program
12 materials, as appropriate, in a conspicuous location on its Internet
13 Web site.